

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**In the Matter of the Arbitration Between:**

GLOBAL REINSURANCE CORP. OF AMERICA,  
f/k/a GERLING GLOBAL REINSURANCE CORP.  
OF AMERICA, f/k/a CONSTITUTION  
REINSURANCE CORPORATION,

Petitioner,

-against-

ARGONAUT INSURANCE COMPANY,  
Respondent.

No. 07 cv 7514 (WHP)

**STIPULATION AND  
PROPOSED ORDER TO  
UNSEAL CERTAIN  
DOCUMENTS AND REDACT  
OTHERS**

Whereas, an Order was entered on August 24, 2007 (“Sealing Order”) sealing the file in this matter, and subsequent thereto on December 21, 2007, the Court entered an Order modifying the Sealing Order and directed the parties to submit a stipulation and proposed order specifying any documents to be withdrawn from the record and the portions of any remaining documents that the parties seek to redact;

The parties hereby stipulate and agree as follows:

1. The parties have conferred and have reached agreement to unseal most of the record as specified herein without waiver of the parties' rights as to the withdrawing and/or redaction of certain other documents in the record to which the parties are unable to reach agreement;

2. The parties hereby stipulate and agree to submit for public filing in a redacted form the following documents: Exhibit E (copy of bank check) to the Declaration of Christopher Hollender dated August 21, 2007 shall have the bank account number and routing information

redacted from the exhibit; Exhibit 11 (Constitution's request for clarification to the Panel with exhibits) to the Declaration of Ivan V. Miletic dated October 22, 2007 shall have the bank account number and routing information redacted from the exhibited check. The parties agree that this information is confidential, proprietary and sensitive information that if released may cause harm to Constitution and/or Argonaut;

3. The parties are unable to reach an agreement with respect to withdrawing certain documents submitted by Petitioner as exhibits to the Declaration of Ivan V. Miletic dated October 22, 2007, specifically, Exhibit 3 (Index of Petitioner's Hearing Exhibits), Exhibit 5 (Hearing Transcript Day 1), Exhibit 6 (Hearing Transcript Day 2), Exhibit 7 (Hearing Transcript Day 3), Exhibit 8 (Hearing Transcript Day 4), Exhibit 9 (Hearing Transcript Day 5) and Exhibit 10 (Closing Argument Transcript) and, as such, these exhibits will remain under seal until further Order of the Court;


4. The parties are unable to reach agreement on the scope of the proposed redactions to certain other documents, specifically Exhibit 1 (Argonaut's Opening Pre-Hearing Brief) and Exhibit 2 (Argonaut's Pre-Hearing Reply Brief) to the Declaration of Dan LaBelle dated September 21, 2007 filed by Argonaut, as well as to the proposed redactions to Exhibit 1 (Constitution's Pre-Hearing Brief), Exhibit 2 (Constitution's Reply Pre-Hearing Brief), and Exhibit 4 (Constitution's Written Closing Submission) to the Declaration of Ivan V. Miletic dated October 22, 2007 and the Memorandum of Law in Opposition of Counter-Petition and in further Support of Petition to Confirm filed by Constitution (dispute as to scope of redaction on page 4), as well as to Exhibit 12 (excerpts of the deposition testimony of Barry Keogh) to the Declaration of Theresa Hajost dated November 6, 2007 filed by Argonaut, and, as such, these exhibits shall remain under seal until further Order of the Court; and

5. The remaining documents in the record to which the parties have reached an agreement to, as specified in the annexed Exhibit A, shall be unsealed.

Respectfully submitted this 11 day of January, 2008 by:


BUDD LARNER, P.C.  
Attorneys for Petitioner, GLOBAL  
Reinsurance Corporation of America  
("Constitution")

BY:

  
Joseph J. Schiavone (JS 7303)  
Jeffrey S. Leonard (JL 5931)  
Virginia A. Pallotto (admitted Pro Hac Vice)

HALLORAN & SAGE  
Attorneys for Respondent, Argonaut Insurance  
Company

BY:

  
Dan E. LaBelle (DL2779)  
Theresa Hajost

SO ORDERED BY THE COURT ON THIS \_\_\_\_\_ DAY OF JANUARY, 2008

\_\_\_\_\_  
Hon. William H. Pauley III, U.S.D.C.

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**EXHIBIT A TO THE STIPULATION IN 07-CV-7514 (WHP)**

<b>Date Filed &amp; Party</b>	<b>Document</b>	<b>Proposal</b>
8-24-07 Global- Constitution	Summons in a Civil Case	Unseal
	Motion to File All Documents Under Seal	Unseal
	Petition to Confirm Arbitration Award	N/A -- Already Unsealed
	Notice of Petition to Confirm Arbitration Award	Unseal
	Declaration of Virginia Pallotto	Unseal
	Ex. A: Second Layer XOL (5-1-70 — 7-1-72)	Unseal
	Ex. B: Second Layer XOL (7-1-72 — 7-1-75)	Unseal
	Ex. C: 12-30-04 Demand for Arbitration Letter	Unseal
	Ex. D: Final Arbitration Order 7-12-07	Unseal
	Ex. E: Clarifying Order 8-23-07	Unseal
	Ex. F: Confidentiality Order 5-16-06	Unseal
	Memo of Law in Support of Petition to Confirm	Unseal
	Order to Seal	Unseal
	Rule 7.1 Disclosure	Unseal
	Signed Summons in a Civil Case	Unseal
9-13-07	Letter to Judge Pauley requesting an extension to 9-24-07	Unseal
9-21-07 Argonaut	Certificate of Service	Unseal
	Appearance (Dan E. LaBelle)	Unseal
	Rule 7.1 Disclosure	Unseal
	Answer to Petition to Confirm and Counter-Petition	Unseal
	Memo of Law in Support of Counter-Petition	Unseal
	Declaration of Chris Hollender	Unseal
	Ex. A: Second XOL (7-1-71 — 6-30-72)	Unseal

Date Filed & Party	Document	Global Proposal
	Ex. B: Second XOL (7-1-72 — 6-30-75)	Unseal
	Ex. C: Final Award and Dissent 7-12-07	Unseal
	Ex. D: Clarifying Order 8-23-07	Unseal
	Ex. E: 8-24-07 Check to Global	<b>TO BE REDACTED- SEE STIP</b>
	Declaration of Dan LaBelle	Unseal
	Ex. 1: Argonaut's Pre-Hearing Opening Brief	<b>REMAIN SEALED- SEE STIP</b>
	Ex. 2: Argonaut Pre-Hearing Reply Brief	<b>REMAIN SEALED- SEE STIP</b>
	Ex. 3: Excerpts from Staring treatise	Unseal
9/27/07	Letter to Judge Pauley requesting an extension to 10-18-07	Unseal
10-17-07	Letter to Judge Pauley requesting an extension to 10-22-07	Unseal
10-22-07 Global- Constitution	Answer to Counter-Petition to Vacate	Unseal
	Memo of Law in Opposition of Counter-Petition and in further Support of Petition to Confirm	<b>REMAIN SEALED – SEE STIP</b>
	Declaration of Ivan V. Miletic	Unseal
	Ex. 1: Global's Pre-Hearing Brief	<b>REMAIN SEALED – SEE STIP</b>
	Ex. 2: Global's Pre-Hearing Reply Brief (including 5-page Summary of Claims)	<b>REMAIN SEALED – SEE STIP</b>
	Ex. 3: Index of Global's Hearing Exhibits	<b>REMAIN SEALED – SEE STIP</b>
	Ex. 4: Global's Written Closing Argument	<b>REMAIN SEALED – SEE STIP</b>
	Ex. 5: Day 1 Transcript (2-26-07)	<b>REMAIN SEALED – SEE STIP</b>
	Ex. 6: Day 2 Transcript (2-27-07)	<b>REMAIN SEALED – SEE STIP</b>
	Ex. 7: Day 3 Transcript (2-28-07)	<b>REMAIN SEALED – SEE STIP</b>

Date Filed & Party	Document	Global Proposal
	Ex. 8: Day 4 Transcript (3-1-07)	<b>REMAIN SEALED – SEE STIP</b>
	Ex. 9: Day 5 Transcript (3-2-07)	<b>REMAIN SEALED – SEE STIP</b>
	Ex. 10: Transcript of Oral Closings 3-30-07	<b>REMAIN SEALED – SEE STIP</b>
	Ex. 11: Global's Request for Clarification (with exhibits) 8-8-07	<b>SUBMIT IN REDACTED FORM THE BANK CHECK-SEE STIP</b>
	Ex. 12: Global E-mail to Panel 8-16-07	Unseal
	Ex. 13: Global E-mail to Panel 8-20-07	Unseal
	Ex. 14: Second Layer XOL (7-1-72 — 7-1-75)	Unseal
	Ex. 15: English & American Insurance case	Unseal
11-6-07 Argonaut	Brief in Reply to Global's Opposition	Unseal
	Declaration of Theresa Hajost	Unseal
	Ex. 1: Argonaut's Production Letters	Unseal
	Ex. 2: Global's Production Letters	Unseal
	Ex. 3: Argonaut's First Demand for Docs	Unseal
	Ex. 4: Global's First Demand for Docs	Unseal
	Ex. 5: Global's Final Doc Production	Unseal
	Ex. 6 Dassenko's Final Invoice	Unseal
	Ex. 7: Keogh Hearing Testimony	Unseal
	Ex. 8: Buyck Testimony	Unseal
	Ex. 9: Watson Testimony	Unseal
	Ex. 10: E-mail from Dassenko stating panel was "functus officio" 8-9-07	Unseal
	Ex. 11: Global State of NY Complaint	Unseal
	Ex. 12: Keogh Deposition Testimony	<b>REMAIN SEALED – SEE STIP</b>
	Certificate of Service	Unseal
11-16-07 Global-Constitution	Letter to Judge Pauley requesting a sur-reply	Unseal

Date Filed & Party	Document	Global Proposal
11-19-07 Argonaut	Letter to Judge Pauley requesting a sur-reply	Unseal
11-26-07 Global-Constitution	Letter to Judge Pauley requesting a sur-reply	Unseal
11-27-07 Argonaut	Letter to Judge Pauley requesting an extension of Pretrial Conference to 12-21-07	Unseal
11-27-07 Global-Constitution	Notice of Motion for Pro Hac Vice Admission	Unseal
	Affidavit of Jeffrey Leonard	Unseal
	Affidavit of Virginia Pallotto	Unseal
	Certificate of Service	Unseal
	Proposed Order for Admission Pro Hac Vice	Unseal
12-12-07 Global-Constitution	Changes of Address for Schiavone, Leonard and Pallotto	Unseal
12-13-07 Joint	Letter to Judge Pauley regarding Joint Rule 26(f) Report	Unseal
	Joint Rule 26(f) Report	Unseal
1-07-08 Global-Constitution	Letter to Judge Pauley regarding Sur-Reply	Unsealed
	Sur-Reply in Further Opposition to Counter-Petition	Unsealed
	Declaration of Virginia A. Pallotto	Unsealed
	Ex. A; Global Production Letter 10-30-06	Unsealed
	Ex. B: Redacted version of Commutation Agreement	Unsealed
	Declaration of Service	Unsealed

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